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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,008	11/09/1999	STEPHEN B. ELLIOTT	RR2341	6014

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EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/436,008	Applicant(s) ELLIOTT ET AL.	
	Examiner Jamal A Fox	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,8,10,14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,9,13,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5,6,11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 7, 9, 13, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,278,697 to Brody et al.

The applied reference has a common *assignee* with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to claim 1, Brody et al. discloses a method for efficiently integrating wireless and wireline functions [col. 10 lines 35-42] within a communications network [Fig. 10], comprising the steps of: integrating an asynchronous transfer mode infrastructure [col. 6 line 55] with said communications network [Fig. 10]; linking said wireless and wireline functions to and from said communications network via asynchronous transfer mode infrastructure utilizing a network access function [Fig. 10 ref. sign 276] within a network edge switch [Fig. 10, ref. sign 154]; and transmitting both wireless and wireline data [col. 10 lines 62-65] to said network access function [Fig. 10 ref. sign 276] to allow wireless and wireline data to flow to and from said communications network [Fig. 10]; determining target recipients for each wireless and wireline data received in a first communication protocol [col. 10 lines 53-65]; and converting within said access function said wireless and wireline data to a second communication protocol appropriate for said target recipient [col. 10 line 66 – col. 11 line 14].

Referring to claim 3, Brody et al. discloses the method of claim 1, utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network [col. 7 lines 19-28].

Referring to claim 7, Brody et al. discloses a system for efficiently integrating wireless and wireline functions within a communications network, comprising: said communications network [Fig. 10]; and asynchronous transfer mode infrastructure [col. 6 lines 49-60] for transmitting signals within said communications network [Fig. 10]; a network edge switch [Fig. 10, ref. sign 154] for linking said wireless and wireline

functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function [Fig. 10 ref. sign 276] within said network edge switch [Fig. 10, ref. sign 154]; transmitting means [Fig. 10 ref. sign 304] for transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network; means for determining target recipients for each wireless and wireline data received in a first communication protocol [Fig. 10 ref. sign 288]; and means for converting within said network access function said wireless and wireline data to a second communication protocol appropriate for said target recipient [Fig. 10 ref. signs "First Communications Protocol Server" and "Second Communications Protocol Server"].

Referring to claim 9, Brody et al. discloses the system of claim 7, further comprising: multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communication network [col. 7 lines 19-28].

Referring to claims 13, 15, 17 and 18, Brody et al. discloses operational instructions (col. 9 lines 25-30, col. 9 lines 60-65, col. 10 lines 35-42, col. 11 lines 14-25 and col. 12 lines 5-10). Therefore it is inherent that the invention included a program of instructions, within instruction bearing media associated with a telecommunication system for efficiently integrating wireless and wireline functions within a communications network, comprising: instructions within the instruction bearing media for integrating an asynchronous transfer mode infrastructure with the communications network; instructions within the instruction bearing media for linking the wireless and wireline functions to and from said communications network via the asynchronous transfer mode

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infrastructure utilizing a network access function within a network edge switch; instructions within the instruction bearing media for transmitting both wireless and wireline data to the network access function to allow wireless and wireline data to flow to and from the communications network; instructions within the instruction bearing media for determining target recipient for each wireless and wireline data received in a first communication protocol; and instructions within the instruction bearing media for converting within said network access function said wireless and wireline data to a second communication protocol appropriate for a target recipient; instructions within said instruction bearing media for utilizing multiple functions within the network access function for consolidating and interfacing signal traffic to and from the communications network; instructions within the instruction bearing media for transferring the wireless and wireline data to the asynchronous transfer mode infrastructure from the network access function; and instructions within the instruction bearing media for integrating an asynchronous transfer mode infrastructure with the communications network, wherein the asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with asynchronous transfer mode gateway, in light of the fact that when a method and system has been disclosed and rejected over prior art, the program of instruction bearing media associated with the method and system is also rejected.

Allowable Subject Matter

3. Claims 5, 6, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 7, 9, 13, 15, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant argued that Brody et al. fails to show or suggest "utilizing a network access function within a network edge switch". However, one skilled in the art would recognize that Fig. 10 ref. sign 276 is a communications infrastructure that includes a "network access function" and Fig. 10 ref. sign 154 is a "network edge switch".

Conclusion

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:


(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Jamal A. Fox

